IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 793 of 2006 (M/B)

Ibrar Hussain @ Babban,
S/o Sri Shabbir Hussain,
Village Kanchanpuri, Tehsil Khatima,
District Udham Singh Nagar. ..... Petitioners

Versus

1. State of Uttaranchal,
through Secretary, Ministry of Home Affairs,
Uttaranchal Govt., Dehradun.
2. Senior Superintendent of Police,
Udham SIngh Nagar.
3. Station House Officer,
Police Station Khatima,
District Udham Singh Nagar.
4. Shabir Shah S/o Banne Shah,
R/o Village Rajesh Gaon, Panchpera,
Kanchanpuri, P.S. Khatima,
District Udham Singh Nagar ..... Respondents

Mr. S.K. Mandal, Advocate for the petitioner.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 to 3.
None for respondent No. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. S.K. Mandal, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 to 3.

None for respondent No. 4.

They are heard on admission.

2. Petitioner Ibrar Hussain @ Babban has filed this writ petition for the following reliefs:

> "(a) issue a writ, order or direction in the nature of certiorari quashing the First Information Report dated 14.06.2006 (Annexure No. 1 to this writ petition) lodged

by the respondent no. 4, which has been registered as Case Crime No. 2009 of 2006 under Section 363 and 366 I.P.C. P.S. Khatima, District Udham Singh Nagar.

b. issue a suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

c. award the cost of the petition."

3. The petitioner is apprehending his arrest for his alleged involvement in Crime No. 2009 of 2006 registered at Police Station Khatima, District Udham Singh Nagar for the alleged commission of the offences punishable under Sections 363 and 366 of the I.P.C.

4. According to the First Information Report lodged by respondent No. 4 Shabir Shah, the petitioner and his other co-accused persons are alleged to have kidnapped his minor daughter Salma aged about 13 years in the intervening night of 13th and 14th June 2006.

5. On due consideration of the submissions of the learned counsel for the parties and the allegations against the petitioner in the First Information Report, we are of the opinion that it is not a fit case for grant of the reliefs sought by the petitioner in the writ petition.

6. The writ petition, therefore, is liable to be dismissed summarily.

7. However, we deem it proper to direct that in the event of arrest of petitioner Ibrar Hussain @ Babban by the police or his surrender before the court concerned, his bail petition shall be taken up for hearing in accordance with law without any undue delay.

8. With the above direction, the writ petition stands disposed of.

9. With the above order, CLMA No. 8320 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) 06.07.2006

(Rajeev Gupta, C. J.) 06.07.2006

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